

Signing of Resolutions

The President Pro Tempore signed in the presence of the Senate, after their captions had been read, the following enrolled resolutions:

S. C. R. No. 28, Authorizing Arol Kerley and W. E. Pendergrass to sue the State.

H. C. R. No. 88, Petitioning Public Safety Department and county officials to forego enforcement and prosecution of provisions of S. B. 43 until April 28, 1941.

House Bill 301 Re-referred

On motion of Senator Kelley, and by unanimous consent, H. B. No. 301 was re-referred from the Committee on Civil Jurisprudence to the Committee on Education.

Senate Bill 319 on Second Reading

Senator Van Zandt moved that the regular order of business be suspended to permit consideration of S. B. No. 319 at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Martin
Beck	Mauritz
Chadick	Metcalf
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Nays—3

Brownlee	Smith
Moffett	

Absent—Excused

Hill	Spears
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The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 319, A bill to be entitled "An Act relating to appeals from rules, orders or decisions of administrative bodies, repealing all laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Senator Shivers offered the following amendment to the bill:

Amend S. B. No. 319, by adding a new Section to read as follows:

"Provided, however, this Act shall not affect any proceedings provided for in Chapter 76, Acts 1935, Forty-fourth Legislature, Regular Session."

SHIVERS,
FAIN.

(Senator Isbell in the Chair.)

Question—Shall the amendment be adopted?

Adjournment

Senator Martin moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 12:30 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

FIFTY-FOURTH DAY

(Wednesday, April 16, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

Reports of Standing Committees

Senator Moffett submitted the following report:

Committee Room,
Austin, Texas,
April 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 759, A bill to be entitled "An Act fixing the compensation of tax assessor-collector in all counties having a population of more than seventy thousand (70,000) and not more than eighty thousand (80,000) according to the last preceding Federal Census, and with an assessed valuation of more than Forty Million (\$40,000,000.00); repealing all laws, or parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Senator Brownlee submitted the following report:

Senate Chamber,
Austin, Texas,
April 16, 1941,

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highway and Motor Traffic, to whom was referred

H. B. No. 709, A bill to be entitled "An Act providing in all counties having a population of not less than twenty-nine thousand, two hundred and forty (29,240) and not more than twenty-nine thousand, two hundred and fifty (29,250), according to the last preceding, or any future United States Federal Census, there shall be imposed upon all male persons the duties of working five (5) days of eight (8) hours efficient service on public roads each year, or the payment on or before May 1st of each year the

sum of Three (\$3.00) Dollars; providing for the summons of persons in said counties for work on the public roads, said summons when issued shall compel the persons to appear the following day after summons for road duty; fixing age bracket for persons to be summoned; repealing all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Senator Aikin submitted the following report:

Austin, Texas,
April 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 904, A bill to be entitled "An Act making an appropriation of the sum of Three Hundred Thousand (\$300,000.00), Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expense, and to pay the mileage and per diem of members and the per diem of officers and employees of the Regular Session of the Forty-seventh Legislature; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Message from the House

The Assistant Reading Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,
Austin, Texas,
April 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 89, Granting W. D. Muncy and wife, Flora K. Muncy, permission to sue the State of Texas.

H. C. R. No. 91, Authorizing the State Board of Control to execute to the City of Austin certain easements.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

House Bill 904 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 904 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 904, A bill to be entitled "An Act making an appropriation of the sum of Three Hundred Thousand (\$300,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expense, and to pay the mileage and per diem of members and the per diem of officers and employees of the Regular Session of the Forty-seventh Legislature; and declaring an emergency."

The bill was read second time and was passed to third reading.

H. B. No. 904 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 904 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Isbell	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Nays—1

Shivers

Absent—Excused

Spears

Signing of Bills

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills:

H. B. No. 20, A bill to be entitled "An Act providing for licensing of operators, commercial operators and chauffeurs; defining certain terms; providing for certain exemptions; prohibiting issuance of licenses to certain persons making it unlawful for certain persons to operate a school bus or any motor vehicle while in use as a public or common carrier of persons; providing for application for operators', commercial operators' and chauffeurs' licenses; providing for signing of application of minors and cancellation of minors' license upon application, and/or death of signatory; providing for examinations of applicants for operators' commercial operators' and chauffeurs' licenses; providing for the issuance of operators', commercial operators' and chauffeurs' licenses, and duplicates thereof; providing for the issuance of restricted operators', commercial operators' and chauffeurs' licenses, providing a penalty for a violation of the restrictions imposed and for the revo-

cation or suspension of restricted licenses; relating to the carrying of a license by the licensee and exhibiting same; prescribing the amount of fees and providing for the collection of same by the Department of Public Safety and the disposition of same; etc.; and declaring an emergency."

H. B. No. 271, A bill to be entitled "An Act making an appropriation for the support and maintenance of the Judiciary of the State of Texas for the biennium beginning September 1, 1941, and ending August 31, 1943; requiring certain fees paid to clerks or officers of all appellate courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions respecting the expenditures of appropriations made herein; suspending all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion; and declaring an emergency."

(Senator Aikin in the Chair.)

Minority Report on Senate Bill 404

Senator Ramsey moved that the report of a minority of the Committee on Civil Jurisprudence on S. B. No. 404 (having been submitted on Friday, April 4, 1941) be adopted in lieu of the majority report on the bill.

(The President in the Chair.)

Senator Van Zandt moved to table the motion of Senator Ramsey.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16

Aikin	Martin
Beck	Metcalf
Brownlee	Moore
Cotten	Shivers
Formby	Smith
Hazlewood	Van Zandt
Isbell	Weinert
Kelley	Winfield

Nays—12

Graves	Moffett
Hill	Ramsey
Lanning	Stone
Lemens	Sulak
Lovelady	Vick
Mauritz	York

Absent

Chadick	Fain
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Absent—Excused

Spears

Report of Conference Committee on House Concurrent Resolution 78

Senator Moffett submitted the following report of the Conference Committee on H. C. R. No. 78:

Committee Room,
Austin, Texas,
April 14, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Hon. Coke R. Stevenson, President of the Senate.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and the Senate on House Concurrent Resolution No. 78, advise that we have adjusted said differences, and recommend the adoption of the resolution attached hereto.

Respectfully submitted,

PARKER,
RAMPY,
McMURRY,
BAILEY,
CHAMBERS,

On the Part of the House;

MOFFETT,
WEINERT,
LANNING,
METCALFE,

On the Part of the Senate.

H. C. R. No. 78, Authorizing the lending of guard wire to Olney and Newcastle by the Highway Department.

Whereas, The State Highway Department of Texas has a large quantity of discarded wire mesh guard fence in its various warehouses; and

Whereas, The citizens of Olney and Newcastle are trying to preserve their respective cemeteries, and also the cemetery in the Community of True, all in Young County; and

Whereas, It is deemed necessary to fence these cemeteries to protect them from public intrusion and damage to plantings; and

Whereas, It will be a great accommodation to these communities if said Highway Department permits said citizens the use of the discarded wire mesh guard fence hereinabove mentioned for the purpose of fencing the grounds of these cemeteries; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That

the State Highway Department of Texas be authorized to lend to the citizens of Olney and Newcastle eighteen hundred (1,800) feet of the discarded wire mesh guard fence hereinabove mentioned for the purpose as hereinabove set out, at the True Cemetery, and as much as thirty-two hundred (3,200) feet for the Newcastle Cemetery, if the latter is available after the True Cemetery has secured the amount of wire assigned to it; said citizens to return such wire upon request of the State Highway Department, and it is so resolved.

On motion of Senator Moffett, the report was adopted.

Reports of Standing Committees

Senator Weinert, by unanimous consent, submitted at this time the following reports:

Austin, Texas,
April 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 426, A bill to be entitled "An Act to amend Section 2 of H. B. No. 160, Acts of the First Called Session, Forty-first Legislature, Chapter 83, page 209, by authorizing any city or county to issue its general obligation bonds or warrants for the purpose of acquiring and improving land for airport purposes; providing that the authority given for the issuance of such bonds and the levy or collection of taxes in payment thereof shall be exercised in accordance with the provisions of Chapter 1, Title 22, Revised Civil Statutes, 1925; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 865, A bill to be entitled "An Act to amend Section 1 of H. B. No. 556, Chapter 59, Acts of the Reg-

ular Session of the Forty-fourth Legislature, page 145, so as to change the time of holding the terms of the District Court in the 86th Judicial District composed of Van Zandt, Kaufman, and Rockwall Counties; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 342, A bill to be entitled "An Act authorizing and directing the Comptroller of Public Accounts and the Treasurer of the State of Texas to cancel and charge off certain bonds issued in the name of the Houston and Texas Central Railway Company and the Washington County Railroad Company and certain bonds issued by the Buffalo Bayou, Brazos and Colorado Railway Company; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
April 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 341, A bill to be entitled "An Act authorizing and directing the Comptroller of Public Accounts and the Treasurer of the State of Texas to cancel and charge off as worthless and uncollectible Two Hundred and Ninety-five Thousand (\$295,000.00) Dollars in bonds issued by the Houston Tap and Brazoria Railway Company; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
April 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 427, A bill to be entitled "An Act defining the jurisdiction of the County Court of Navarro County and diminishing its civil jurisdiction; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senator Moore, by unanimous consent, submitted at this time, the following reports:

Senate Chamber,
Austin, Texas,
April 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 752, A bill to be entitled "An Act providing for the annexation of territory not embraced in a water improvement district; prescribing the manner of such annexation; providing for filing of petition for annexation, notice and hearing thereon; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senate Chamber,
Austin, Texas,
April 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 891, A bill to be entitled "An Act to validate, ratify, approve, and confirm the acts of all housing authorities created by and organized pursuant to the 'Housing Authorities Law' of the State of Texas, and which are located in any county in Texas having a population of not less

than ninety thousand (90,000), and not more than one hundred thousand (100,000), etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Senate Chamber,
Austin, Texas,
April 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 339, A bill to be entitled "An Act requiring employers and employees in industries essential to national defense, and certain businesses charged with a public duty, to file notice of any intended strike or lockout with certain county officials; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senate Chamber,
Austin, Texas,
April 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 238, A bill to be entitled "An Act amending Chapter 13, Acts, Third Called Session of the Forty-second Legislature, as amended, declaring the policy of the State with reference to financing the constructing of county lateral roads; defining certain terms used throughout the Act; creating the Board of County and District Road Indebtedness, and prescribing the powers, duties, and obligations of said Board; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senate Chamber,
Austin, Texas,
April 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 68, Granting Dr. J. R. Nichols and wife permission to sue the State.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be not printed.

MOORE, Chairman.

Senate Chamber,
Austin, Texas,
April 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 67, Granting permission to J. L. Kelley and wife to bring suit against the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be not printed.

MOORE, Chairman.

Senate Chamber,
Austin, Texas,
April 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 84, Granting James ("Jim") I. Morgan permission to bring suit against the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Senator Van Zandt, by unanimous consent, submitted at this time the following report:

Austin, Texas,
April 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 264, A bill to be entitled "An Act to amend Article 4733, Chap-

ter 3, Title 78, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

VAN ZANDT, Chairman.

Senator Smith, by unanimous consent, submitted at this time, the following report:

Austin, Texas,
April 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 186, A bill to be entitled "An Act providing for the conservation and protection of game in the State of Texas by providing open seasons for hunting in the State; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Senator Kelley, by unanimous consent, submitted at this time the following reports:

Austin, Texas,
April 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 364, A bill to be entitled "An Act amending Article 2700, Revised Civil Statutes, 1925 pertaining to the salaries of elective county superintendents and to office and traveling expense; providing for salaries of county superintendents in counties having not more than eight thousand (8,000) scholastic population under certain conditions; providing for assistants to the county superintendent; providing for rural supervisors and their compensation; providing for the manner of payment of county administration expense; providing for budgets for the purpose; providing for administering the Act and repealing all general laws in conflict herewith except such general laws as provide for a part of the

office expense to be paid out of the general revenue of the county; and declaring an emergency."

Have had the same under consideration, and do hereby recommend that the same do not pass, but that the committee substitute hereto attached do pass in lieu of the original bill, and that the committee substitute be not printed.

KELLEY, Chairman.

Austin, Texas,
April 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 342, A bill to be entitled "An Act amending Article 2827 of the Revised Civil Statutes of 1925 (as amended by Acts 1934, Forty-third Legislature, Fourth Called Session, page 34, Chapter 9) by adding thereto subdivision 4 authorizing independent school districts, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the following attached committee amendment.

KELLEY, Chairman.

Senator Lanning, by unanimous consent, submitted at this time the following report:

Austin, Texas,
April 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 741, A bill to be entitled "An Act defining the word 'person' and providing that every director, officer, agent, employee, or member of any firm, copartnership, association, or corporation participating in, aiding, or authorizing any violation of this Act shall be subject to the punishment provided herein; making it unlawful for any person, with exceptions, to open and refill or re-use the container, can, tank, pump, or other distributing device of any manufacturer, processor, or distributor, for the purpose of offering for sale or selling lubricating oils, greases, and similar products therefrom when said

container, can, tank, pump, or distributing device bears the trade-mark, symbol, sign, or other distinguishing mark of said manufacturer, processor, or distributor, or of his products; . . . and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANNING, Chairman.

Senator Ramsey, by unaniomus consent, submitted at this time the following report:

Austin, Texas,
April 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 816, A bill to be entitled "An Act to create Road District No. 7, of Lavaca County, Texas; defining its boundaries; conferring upon said road district all the rights, powers, privileges, and duties now conferred and imposed by the General Laws of Texas upon road districts; providing that any territory within the bounds of said district, as created by this Act, shall remain chargeable with any and all outstanding bonded indebtedness heretofore voted by such territory; enacting provisions incidental and necessary to the subject and purpose of this Act; authorizing and empowering the Commissioners' Court of Lavaca County, Texas, to proceed in the issuance of bonds of said district created by this Act in the manner provided by general law for the issuance of road district bonds in ordinary road districts; providing that nothing in this Act shall be construed as affecting the organization and establishment of Road District No. 2, of Lavaca County, Texas, as created by Chapter 390, of the Special Laws passed by the Thirty-ninth Legislature of this State, at its First Called Session in 1926 (a portion of the territory of said district being included in Section 1, of this Act), but the said road district No. 2 shall continue to operate as a defined road district over the territory included within its limits, described and defined in that certain order of the Commissioners' Court of Lavaca County, Texas, passed

and adopted by said court on the 14th day of April, 1919, recorded in Book M, page 160, et seq., of the minutes of the commissioners' court of said county, and to which order reference is made by said Chapter 390, creating the said road district No. 2; and nothing herein shall be construed as prohibiting the territory now included within said road district No. 2 from hereafter issuing road bonds on its faith and credit; within the limitations prescribed by Section 52, Article 3, of the Constitution of this State; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Message from the House

The Assistant Reading Clerk of the House was recognized by the President to present the following message: Hall of the House of Representatives,

Austin, Texas,
April 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Conference Committee report on H. C. R. No. 78 by a vote of 125 ayes, 0 noes.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

House Bill 654 Returned to House

On motion of Senator Shivers and by unanimous consent, the request of the House for the return of H. B. No. 654 was granted.

Messages from the Governor

The President laid before the Senate and had read the following message from the Governor:

Austin, Texas,
April 16, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be Commissioner of Labor Statistics (term concurrent with my term of office):

Joe Kunschik of Austin, Travis County.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

The message was referred to Committee on Governor's Nominations.

The President laid before the Senate and had read the following messages from the Governor:

Austin, Texas,
April 16, 1941.

To the Members of the Forty-seventh Legislature:

At the suggestion of the Board of Control, I submit herewith a bill which they would like to have passed at this session of the Legislature, together with a statement of their reasons for needing this legislation.

I am convinced that the enactment of this legislation will give us a much more efficient and economical management of our eleemosynary institutions and result in more tender care and humanitarian attention to our unfortunate citizens who are being cared for in these institutions.

I am submitting this as emergency legislation and trust you will give it your careful and prompt consideration.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

Austin, Texas,
April 15, 1941.

To the Members of the Forty-seventh Legislature:

At the request of Representative Lon Alsup, I am submitting herewith as emergency legislation, a bill dealing with investigating conditions existing in school districts and other places.

Trusting you will give this your prompt and careful attention, I am

Respectfully yours,
W. LEE O'DANIEL,
Governor of Texas.

House Bill 373 on Second Reading

Senator Lovelady moved that the regular order of business be suspended, to permit consideration of H. B. No. 373 at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Metcalf
Cotten	Moffett
Fain	Moore
Formby	Ramsey
Hazlewood	Shivers
Hill	Smith
Isbell	Stone
Kelley	Sulak
Lanning	Vick
Lemens	

Nays—1

Van Zandt

Absent

Graves	Winfield
Weinert	York

Absent—Excused

Spears

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 373, A bill to be entitled "An Act further regulating the prescribing of liquor for medicinal purposes and the transportation, storage and sale thereof by amending subsection (11) and (16) of Section 15, Article 1, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature as amended by H. B. No. 5, Acts of the Regular Session of the Forty-fifth Legislature, and by the addition of a new subsection (19) to said Section 15, Article 1; prescribing penalties; providing saving clauses; and declaring an emergency."

The bill was read second time.

Senator Fain offered the following amendments to the bill:

(1)

Amend H. B. No. 373 by striking out all of lines 5, 6, 7, and 8 on page 4, of the printed bill.

(2)

Amend H. B. 373 by inserting in line 29, page 3, after the words "of medical examiners" the following: "who has been a resident of the county for a period of one year."

(President Pro Tempore Cotten in the Chair.)

Question—Shall the amendment (1) be adopted?

Senator Mauritz moved the previous question on the amendments and passage of the bill to engrossment.

The motion was duly seconded.

(The President in the Chair.)

The Senate refused to order the main question at this time by the following vote:

Yeas—11

Formby	Moore
Hazlewood	Shivers
Lanning	Smith
Lemens	Sulak
Lovelady	Weinert
Mauritz	

Nays—18

Aikin	Martin
Beck	Metcalf
Brownlee	Moffett
Cotten	Ramsey
Fain	Stone
Graves	Van Zandt
Hill	Vick
Isbell	Winfield
Kelley	York

Absent

Chadick

Absent—Excused

Spears

Question—Shall the amendment (1) be adopted?

Senate Bill 431 on First Reading

Senator Martin moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

**Absent--Excused
Spears**

The following bill then was introduced, read first time and referred to the Committee on Civil Jurisprudence.

By Senator Martin:

S. B. No. 431, A bill to be entitled "An Act relating to face-amount certificate companies and face-amount certificates as those terms are defined in the Act of Congress known as the Investment Company Act of 1940; and declaring an emergency."

Message from the House

The Assistant Reading Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,
Austin, Texas,
April 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 284, A bill to be entitled "An Act appropriating Seven Million, Three Hundred Eighty-three Thousand and Ninety-four (\$7,383,094) Dollars per year, or so much thereof as may be necessary, for the biennium beginning September 1, 1941, and ending August 31, 1943, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State; providing for the allotment and expenditure by the State Superintendent of Public Instruction of such funds under the direction and advice of a

Joint Legislative Advisory Committee; providing for the transfer of unexpended balances for the year ending August 31, 1942, to the appropriation for the year ending August 31, 1943; etc.; providing a saving clause; and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

House Bill on First Reading

The following House bill, received from the House today, was laid before the Senate, read first time and referred to the committee indicated:

H. B. No. 284, to Committee on Finance.

**Reference of House Concurrent
Resolutions**

The following resolutions, previously received from the House, were laid before the Senate, read severally, and referred to the committees indicated:

H. C. R. No. 89, to Committee on State Affairs.

H. C. R. No. 91, to Committee on Civil Jurisprudence.

Adjournment

Senator York moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Brownlee moved that the Senate recess to 2:30 o'clock p. m. today.

The motion to adjourn prevailed; and the Senate, accordingly, at 12:15 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

In Memory of
Hon. George E. Christian

Senator Brownlee offered the following resolution:

(Senate Concurrent Resolution 39)

Whereas, The Bench and Bar of Texas has lost one of its best beloved, and most brilliant members, in the passing of Judge George E. Christian, Commissioner of the State Court of Criminal Appeals, on Tuesday, April 15, 1941; and

Whereas, Judge Christian for many years rendered a notable public service to the people of Texas as District Attorney, Assistant Attorney General, as an officer in the World War, and for more than thirteen years as a member of the Commission of Appeals; and, while young in years, Judge Christian served the State with credit to himself and honor to his State and nation; and

Whereas, Judge Christian was recognized by all who knew him as a man possessed of a lovable and admirable personality and splendid traits of character; and

Whereas, In the passing of this distinguished and lovable gentleman, his State and community has suffered the loss of a beautiful and shining character and faithful public servant, and a true, honorable and loyal citizen and friend; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That they acknowledge with deep regret the passing of this fine gentleman and citizen of Texas, and that a copy of this resolution be spread upon the memorial pages of the Senate and House of Representatives Journals of the day as a token of the love and esteem with which he was held; and, be it further

Resolved, That the Secretary of the Senate and the Chief Clerk of the House of Representatives send the family of the deceased a copy of this resolution under their respective seals, and that when the Senate and the House of Representatives adjourn today, that they do so in silent tribute to a man whose name shall live long in the affection of his friends and sorrowing family.

BROWNLEE,
WEINERT,
MOORE.

The resolution was read.

Signed.—Aikin, Beck, Brownlee, Chadick, Cotten, Fain, Formby, Graves, Hazlewood, Hill, Isbell, Kelley, Lanning, Lemens, Lovelady, Martin, Mauritz, Metcalfe, Moffett, Moore, Ramsey, Shivers, Smith, Spears, Stone, Sulak, Van Zandt, Vick, Weinert, Winfield and York.

On motion of Senator Brownlee, and by unanimous consent, the resolution was considered immediately.

On motion of Senator Martin, the names of all Senators were added to the resolution as signers thereof.

The resolution was adopted unanimously.

In Memory of
Mrs. Ida Orr Pace

Senator Chadick offered the following resolution:

(Senate Resolution 95)

Whereas, On this the 16th day of April, 1941, the Senate was grieved to learn that the Great Architect of the Universe called from this world, Mrs. Ida Orr Pace; and

Whereas, Mrs. Pace was the mother of one of our former colleagues, the Honorable Will D. Pace; and

Whereas, This splendid woman met the final ordeal with the same undaunted Christian courage that she had met the problems of life; and

Whereas, In the passing of this splendid woman, we grieve with her loved ones, in her passing, and admire and appreciate the fact that she was a loving and devoted mother of our former colleague, and her life was an inspiration to those who knew her; now, therefore, be it

Resolved by the Senate of Texas, That the members thereof deeply regret the passing of this noble and worthy citizen and that we extend our sympathy to the surviving members of her family; and, be it further

Resolved, That when the Senate adjourns today that it do so in respect to the memory of Mrs. Ida Orr Pace, and the Secretary be instructed to send a copy of this resolution to her distinguished son, the Honorable Will D. Pace, and other members of her family.

CHADICK,
WINFIELD.

Signed.—Aikin, Beck, Brownlee, Chadick, Cotten, Fain, Formby, Graves, Hazlewood, Hill, Isbell, Kelley, Lanning, Lemens, Lovelady, Martin, Mauritz, Metcalfe, Moffett, Moore, Ramsey, Shivers, Smith, Spears, Stone, Sulak, Van Zandt, Vick, Weinert, Winfield and York.

On motion of Senator Martin, the names of all Senators were added to the resolution as signers thereof.

The resolution was adopted unanimously.